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TO: Suhan Ni Group Art Unit 2643
USPTO**FAX:** (703) 872-9306**FROM:** James E. Harris
Registration No. 40,013**Date:** September 21, 2004**Re:** Attorney Do. No. 1420-2 – Response to Notice of Abandonment

Number of pages (including this one: 8

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REMARKS:

In re application of: David William House

Confirmation No. 1290

Serial No. 09/478,136

Examiner: Suhan Ni

Filed: January 5, 2000

Group Art Unit: 2643

For:

COCHLEAR IMPLANTS WITH A STIMULUS IN THE HUMAN ULTRASONIC RANGE
AND METHOD FOR STIMULATING A COCHLEA**NOTICE**

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PATENT APPLICATION
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ULTRASONIC RANGE AND METHOD FOR STIMULATING A
COCHLEA

Confirm. No. 1290

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed for filing in the above-referenced application are the following:




Request to Withdraw the Holding of Abandonment
Exhibits A, B, and C (Copies)
Any deficiency or overpayment should be charged or credited to deposit
account number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613

I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
1-703-872-9306, on September 21, 2004.

Signature


Lauren Ballard-Gemmell

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PATENT APPLICATION
Attorney's Do. No. 1420-2**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent application of: David William House

Serial No.	09/478,136	Group No.	2643
Filed:	January 5, 2000	Examiner:	Suhan Ni
Title:	COCHLEAR IMPLANTS WITH STIMULUS IN THE HUMAN ULTRASONIC RANGE AND METHOD FOR STIMULATING A COCHLEA		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT**

Applicant received a Notice of Abandonment dated September 7, 2004, reciting a failure to file a timely reply to the Office letter of November 4, 2003, for the referenced application. Applicant contends the Notice of Abandonment was issued in error, and provides the following exhibits in support of the assertion the Applicant's filed reply was misplaced while under the control of the U.S. Patent and Trademark Office.

The U.S.P.T.O. generated Auto-Reply (Exhibit A), confirmation of facsimile receipt for a two page transmission from the Applicant as Fax Sender on November 21, 2003.

Applicant's facsimile report (Exhibit B), showing the transmission of two pages to the U.S.P.T.O. central telephone number and date of November 21, 2003.

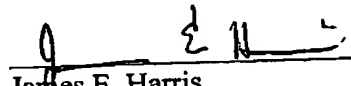
Applicant's Response to Restriction Requirement (Exhibit C, pages 1 and 2), as filed, with a signed certificate of facsimile dated November 21, 2003.

In view of the Exhibits presented, the Applicant respectfully requests the holding of abandonment be withdrawn, and the November 21, 2003, Restriction Requirement be entered, therefore, allowing the application to proceed with examination.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

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Date: September 21, 2004


Lauren Ballard-Gemmel

USPTO 11/21/2003 4:44 PM PAGE 1/001 Fax Server
 :Auto-reply fax to 5032744622 COMPANY:

EXHIBIT A

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 5032744622

Fax Information

Date Received:

Total Pages:

11/21/2003 4:42:29 PM [Eastern Standard Time]
 2 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
 Cover
 Page

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900 SW MORRISON STREET PORTLAND, OREGON 97205 USA (503) 222-3613 FAX: (503) 274-4622 Internet: www.mjlaw.com					
TO:	Suhani NI Group Art Unit 2643 USPTO				
FAX:	(703) 872-9306				
FROM:	James E. Harris Registration No. 40,013				
Date:	November 21, 2003				
Re:	Attorney Do. No. 1420-2 Response to Restriction Requirement				
Number of pages (including this one): 2					
In case of error in transmission, call: (503) 222-3613					
REMARKS:					
In re application of:	David William House	Confirmation No.	1290		
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PAGE 1/2 * RCVD AT 11/21/03 14:42:29 PM * FAX 5032744622 * SVR:USPTO-EPXRF-1/3 * DNIS:8729306 * CSID:5032744622 * DURATION (mm-ss):02:48					

EXHIBIT A

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09/21/04 16:23 FAX 5032744622

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EXHIBIT B

*** TX REPORT ***

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EXHIBIT B

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EXHIBIT C
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EXHIBIT C
PAGE 1

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